

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-223-E - ORDER NO. 2002-771
OCTOBER 30, 2002

IN RE: Application of South Carolina Electric & Gas) ORDER RULING ON
Company for Approval of an Increase in its) VARIOUS MOTIONS
Electric Rates, Terms and Conditions.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on various Motions to Compel and/or for a Continuance or Additional Time in Which to File Testimony filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate) and SMI Steel-South Carolina (SMI). In addition, South Carolina Electric & Gas Company (SCE&G or the Company) has filed a Reply to the Motions, and the Consumer Advocate has filed a Reply to the Company's Reply.

The Consumer Advocate filed a document entitled Motion to Compel and Motion for Continuance of Hearing. The Consumer Advocate noted that various parties to the proceeding have filed multiple sets of interrogatories, and that it is common for parties to rely on questions asked by another party. Also, several parties have requested from SCE&G copies of responses provided to all other parties. The Consumer Advocate then goes on to list alleged deficiencies in responses to discovery that he has received. In addition, the Consumer Advocate refers to its Interrogatory 6-1, wherein the Company is asked to provide:

Any and all information that already was or will be provided to the Staff of the South Carolina Public Service Commission in the course of the current

PSC audit of SCE&G or otherwise in connection with this proceeding and not specifically requested by PSC Staff in Staff's Data Requests.

The Company objected to this interrogatory as overly broad and vague, a position with which the Consumer Advocate strongly disagrees. After much additional discussion on various alleged deficiencies in responses to discovery material received by the Consumer Advocate, including material on customer growth, the Consumer Advocate states that even if it gets the information sought in the next few days, that it would not have time to prepare its testimony by the present prefilng date of November 4, 2002. The Consumer Advocate states that the Company should be ordered to divulge the workpapers requested. Finally, the Consumer Advocate requests a continuance of the currently scheduled hearing and an extension of the prefilng dates.

SCE&G replied to the Consumer Advocate's Motion by stating that, prior to filing the Motion to Compel, the only interrogatory as to which the Consumer Advocate has requested additional information is 2-7, and that the Company had answered the interrogatory. The Company further stated that it made materials available to the Consumer Advocate for inspection and copying, and that the Consumer Advocate did not avail himself of the opportunity. Further, SCE&G's Reply states that many of the complaints raised by the Consumer Advocate are based on misapprehensions on the part of the Consumer Advocate that could have been resolved had the proper consultation taken place. The Company then specifically replies to the points raised by the Consumer Advocate's Motion.

The Consumer Advocate also filed a Reply to the Company's Reply.

We would note that SMI also filed a Motion for Continuance of Hearing, or, alternatively, a Motion for Additional Time to File Testimony. The gravamen of the Motion is that SMI has not had sufficient time to analyze interrogatory responses provided to it, and it therefore requests a continuance of the hearing in the case. In the alternative, SMI requests a continuance in the prefilng date from November 4 to November 11, if the continuance is denied.

We have examined all of these matters and rule as follows. The portions of the Consumer Advocate's Motion and SMI's Motion that request a continuance of the hearing is denied. We do not believe that the discovery dispute that has developed in this case is so enormous as would necessitate a delay in the hearing. It is apparent that SCE&G is and has been attempting to work with the various parties to provide information in this case, even though SCE&G and a particular party may disagree about the adequacy of the Company's response to a specific interrogatory. The hearing will go on as scheduled on **November 18, 2002**.

We grant in part the Consumer Advocate's Motion to Compel. The Company shall provide to the Consumer Advocate copies of documents provided to the Commission Staff in the course of the Staff's audit of the Company and in response to the Staff's audit requests forms filed with the Company. We disagree that the Consumer Advocate's request was vague in this regard. Further, with regard to the issue of workpapers on customer growth, the Company shall provide the Consumer Advocate with the total number of retail customers at the end of each month for the test year. These

numbers and the materials given Staff during the audit shall be provided by the Company to the Consumer Advocate by the close of business on November 1, 2002. We deny the remainder of the Consumer Advocate's Motion to Compel. It appears from the response of the Company and the materials provided in that response to the Consumer Advocate's Motion that the Company made an effort to provide the requested information, even though perhaps not in the manner desired by the Consumer Advocate. We do not think that these matters rise to the level of necessitating the granting of this part of the Motion to Compel to compel provision of these responses. We do request that SCE&G continue to work with all parties to this case to expedite responses to discovery.

We grant the portion of the Motion of SMI for additional time in which to file direct testimony in this matter in part. In fact, we will herein modify the established prefiling dates for Staff and Intervenors, and the previously scheduled rebuttal and surrebuttal dates. We note that these dates are dates in which the parties must file testimony and/or exhibits with this Commission, and have the testimony and exhibits in the hands of the parties by the close of business on the stated dates. These are as follows: Staff's and all other parties' direct testimony and exhibits must be filed with the Commission and in the hands of the parties on or before the close of business on **November 8, 2002**. SCE&G's rebuttal testimony and exhibits, if appropriate, must be filed with the Commission and in the hands of the parties on or before the close of business on **November 12, 2002**. Additionally, surrebuttal testimony and exhibits from Staff and/ or all other parties, if appropriate, must be filed with the Commission and in the hands of the parties by the close of business on **November 15, 2002**. All other

conditions appearing in our previously issued scheduling order shall remain in full force and effect.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)